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Summary record of the 2267th meeting
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Chairperson: Ms. Chanet
later: Ms. Palm
(Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations (*continued*)

Second periodic report of Uzbekistan (*continued*) (CCPR/C/83/L/UZB and CCPR/C/UZB/2004/2)

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*

List of issues (*continued*) (CCPR/C/83/L/UZB)

2. **Mr. Kälin**, while taking note of the delegation's replies to questions 19 and 20 on the list of issues, concerning terror suspects, suggested that the text of the relevant provisions should be submitted to the Committee. It was not clear whether an accused person had access to counsel in the pre-trial period or only once the case had been transferred to the court. Nor was it clear at what point the accused was informed of the charges against him.

3. With regard to freedom of expression (question 24 on the list of issues), the well-known case of journalist Ruslan Sharipov prompted him to wonder whether Mr. Sharipov had been convicted for reasons other than those listed in the judgement, since he had written articles on human rights. Mr. Sharipov apparently had written to the Uzbek authorities but had received no response. He would appreciate the delegation's views on those matters.

4. Since amendments had been made to the legislation governing the registration of political parties, it was strange that no opposition parties had been registered thus far and that applications from political parties were being rejected. How did the Government plan to address that situation?

5. **Mr. Khalil**, drawing attention to paragraph 274 of the report (CCPR/C/UZB/2004/2) and to article 24 of the Covenant, asked whether State support for poor families could help to break the vicious circle of poverty, which gave rise to child labour, a practice that in turn impeded school attendance and thus perpetuated poverty. He noted that the need for a labour force to pick cotton had prevented Uzbekistan from ratifying International Labour Organization (ILO) Convention No. 182 on child labour.

6. **Mr. Ando** wondered whether paragraph 155 of the report, on resettled persons, was Uzbekistan's response to the Committee's concluding observations on its initial report; if so, additional details were needed, for example, with regard to compensation for those persons.

7. **Mr. Saidov** (Uzbekistan) said that national human rights institutions, in line with the Vienna Declaration and Programme of Action, had been established. They included a parliamentary Ombudsman, the National Centre for Human Rights and a parliamentary mechanism for monitoring legislation. In addition, a network of non-governmental organizations, including those dealing with human rights, had been created.

8. The year before, Parliament had passed a new law widening the Ombudsman's powers and ensuring the independence of that office. The Ombudsman currently received over 5,000 citizen complaints annually, and the number was growing. In the past decade the National Centre for Human Rights had published over 100 international human rights treaties in Uzbek.

9. Parliament would undertake a review of the 10-year-old law on State secrecy with a view to ensuring transparency in the sphere of criminal justice.

10. Five political parties had taken part in the previous year's parliamentary elections. In addition a new system allowed independent candidates to stand for election, that was a significant development, since only 1 million persons out of a population of 26 million were members of the five political parties.

11. As to what constituted an "official" response, his delegation did not understand why some Committee members questioned the status of his replies, and then requested further "official" information on an issue. The delegation had been empowered by the Government to provide official replies, and every answer represented the Government's views. Perhaps owing to time constraints, his delegation was unable to give replies that were as comprehensive as the Committee might have wished, but in any case his delegation would provide detailed written replies to specific questions within one month.

12. Regarding the time table for the appointment of judges, he agreed that judges' terms should be increased 10 years. As to why judges were appointed

by the President, many countries had such a system in place. As to how one determined if a judge was conscientiously carrying out his professional duties, a Supreme Qualification Committee responsible to the President appraised judges' activities.

13. It should come as no surprise that visa procedures governing entry and exit had been established between Uzbekistan and its neighbours Tajikistan, Turkmenistan and Kyrgyzstan. Those were all sovereign States, and each State established its own entry and exit procedures.

14. Religious proselytization was prohibited under Uzbekistan's laws on freedom of conscience and religion, because Uzbeks professed 14 different religions, and an open appeal to adopt another faith could lead to inter-ethnic tensions. Moreover, over 80 per cent of the population professed Islam. There was also the risk of inciting religious extremism; the most recent terrorist acts in Uzbekistan had been perpetrated by extremists.

15. Regarding the Sharipov case, he said that the case had received wide publicity due to inadequate knowledge of Uzbekistan's criminal laws. Mr. Sharipov had been jailed not only for homosexuality, but also on charges of paedophilia and involving minors in antisocial activities. Foreign experts should have delved more deeply into the reasons for the arrest. The Government denied having ever received a letter from Mr. Sharipov.

16. As to why opposition parties had not been established, that was a question that should be asked of the public; even the President had encouraged their establishment.

17. Uzbekistan, where 40 per cent of the population under 18 years of age, had ratified most international child-protection conventions, including ILO conventions. While child labour was prohibited he acknowledged that some child labour persisted in agricultural activities.

18. The Government's written replies had provided a full account of the resettlement of populations from Surxondaryo. The mountainous region had been penetrated by Islamic extremists and military operations were ongoing there. The Government had resettled the local population to ensure their right to life. It was continuing to provide them with the necessities of life and some 1,300 resettled persons had received compensation.

19. **Mr. Sharafutdinov** (Uzbekistan), said that every year a presidential amnesty was decreed, giving tens of thousands of prisoners an opportunity to return to a normal life. Since independence the President had issued 15 amnesties, while since 1997 over 200,000 people had been pardoned. The amnesties applied to persons convicted of less serious crimes; to persons over 60 years of age, women and minors, and recently to foreigners; and to persons convicted of involvement in extremist religious groups, but who had mended their ways. Amnesties also involved reduction of sentences.

20. **Mr. Saidov** (Uzbekistan), correcting an earlier statement, said that a person convicted of terrorism had the right to legal counsel from the time it was announced that he was a suspect, or from the moment of his detention.

21. Corruption was indeed a problem. During a meeting in Parliament President Karimov had called for strict measures against any signs of corruption in Uzebekistan. The effectiveness of such an effort would depend greatly on how law enforcement officials, the Procurator and the judiciary battled corruption. Legislative measures were being prepared to combat malfeasance.

22. **Mr. Sharafutdinov** (Uzbekistan) said that the Government was looking into the experience of European countries and of the United States of America in rooting out corruption.

23. The Supreme Court had considered the question of admissibility of evidence obtained from a person deprived of legal counsel. In September 2004 it had ruled that any evidence obtained in violation of due process was inadmissible. Legislation was now being adopted on the basis of that decision.

24. **Mr. Sharafutdinov** (Uzbekistan) said that, the same procedural requirements applied to persons involved in terrorist activities as to those suspected of other crimes.

25. The lack of audio-visual equipment in detention facilities was regrettable. The Government, with the assistance of the United Nations Development Programme (UNDP), was equipping isolation cells and temporary detention cells with such technology so that the pre-trial process could be monitored. That would be

an important mechanism for determining when unlawful activities such as torture had been used against detainees.

26. **Mr. Gaziev** (Uzbekistan), referring to the registration of public associations, including political parties, said that he would use specific examples — that of the Muslim political organization and the Birlik political party. Both had applied to register with the Ministry of Justice, but their documents had been found in contravention of the laws. Accordingly, their applications had not been given consideration, although the organizations had the right to resubmit their documents; neither had done so. Regarding the International Crisis Group and the Erk Democratic Party, neither had ever applied for registration. The Government had refused to register the Open Society Institute and the Action Front, the latter on the ground that many of its activities and its use of funds had not been transparent.

27. **The Chairperson** noted the positive developments reflected in Uzbekistan's report. She stressed, however, that the Committee required additional information about violence against women, repression of homosexuality, torture and abuse of detainees and possible disguised forms of censorship of political parties and non-governmental organizations. Moreover, the requirement to obtain an exit visa in order to leave the country appeared to conflict with article 12 of the Covenant. The Committee would also welcome further details on Uzbekistan's anti-terrorist activities and its definition of a terrorist act.

28. **Mr. Saidov** (Uzbekistan) said that a very constructive dialogue had been held with the Committee and he regretted any areas of misunderstanding. His Government greatly valued the work of the Committee, which was very instructive for its national reports and for reviews of individual complaints under the Optional Protocol. His Government also greatly valued the more than 30 general comments provided by the Committee and looked forward to its concluding observations, which would form the basis for Uzbekistan's ongoing efforts to implement the provisions of the Covenant. His Government would undertake an uncompromising struggle against human rights violations, and it attached great importance to continuing the dialogue with the Committee.

29. *The delegation of Uzbekistan withdrew.*

30. *The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.*

31. *Ms. Palm, Vice-Chairperson, took the Chair.*

Initial report of Greece (CCPR/C/83/L/GRC and CCPR/C/GRC/2004/1)

32. **Ms. Telalian** (Greece) introducing her country's report (CCPR/C/GRC/2004/1), said that immediately after Greece's ratification of the Covenant in 1997, the Greek courts had recognized its primacy over domestic law, and its provisions were increasingly being applied directly. Moreover, the Covenant had been invoked in order to fill gaps in the Constitution in the area of judicial protection.

33. Having recently been transformed from a country of emigration to one of immigration, Greece was seeking to establish a functional system of law which protected immigrants rights. While the rapid increase in the migrant population had not resulted in racial hatred, the authorities were seeking to educate the public on the principles of human rights and tolerance, and a series of relevant codes had been adopted to combat racism and intolerance in the media. In the previous month, Parliament had adopted a statute transposing into domestic law the relevant European Union directives for combating discrimination and had recently ratified Protocol No. 13 to the European Convention on the abolition of the death penalty. The statute ratifying that Protocol eliminated all references to the death penalty from the Military Penal Code.

34. New legislation had been adopted and initiatives taken to prevent and severely punish trafficking in human beings and, as a result, organized crime networks were already being dismantled and victims assisted.

35. New measures had also been adopted to incorporate respect for human rights into police ethics, to provide a legal framework for the use of firearms by police, and to enhance the effectiveness of police disciplinary regulations.

36. The Ministry of the Interior cooperated regularly with Roma representatives on measures to improve their living conditions and integrate them into Greek society. Programmes were being implemented to provide housing loans, transfer housing to them and construct housing, albeit of a temporary nature, at times.

37. The situation of the Muslim minority in Thrace had been further improved. Members of that minority enjoyed the same rights and protections under the law as the majority population and benefited from positive measures in the fields of education, religion and culture.

38. **The Chairperson** invited the delegation to address the list of issues (CCPR/C/83/L/GRC).

Constitutional and legal framework within which the Covenant is implemented (articles 2 and 4 of the Covenant)

39. **Mr. Kourakis** (Greece), referring to question 1, said that the Government had ratified all of the United Nations conventions on terrorism and would soon ratify the United Nations Convention against Transnational Organized Crime and its three additional protocols, and the Protocol amending the European Convention on the Suppression of Terrorism. The key Greek laws against terrorist acts was the 2001 law protecting citizens from punishable acts committed by criminal organizations, which had been amended in 2004 by a law introducing the European arrest warrant into the Greek legal system. Both laws fully respected the human rights of the accused and had been adopted by consensus by Parliament. He drew attention to article 40, paragraph 8, of the 2004 law, which stated that the offences listed would not constitute acts of terrorism if they were committed with a view to establishing, safeguarding or reinstating a democratic regime, carrying out an action for freedom or exercising fundamental freedoms or rights enshrined in the Constitution. Peaceful demonstrations would therefore never constitute terrorist acts. The 2001 law had been applied during the trials of persons accused of participating in terrorist organizations, particularly the group known as "17 November". According to the President of the National Commission for Human Rights, the law had been successful in suppressing that organization and had been implemented without violating the rights of the accused. Greek legislation to combat terrorism had therefore proved sufficient and effective.

40. Lastly, it was widely believed that counter-terrorism measures taken in connection with the 2004 Olympic Games had been appropriate and that law enforcement agencies had not violated citizens' human rights. The counter-terrorism measures adopted since 2001, therefore, had not affected the rights guaranteed under the Covenant.

41. **Ms. Telalian** (Greece) added that Greece was actively participating in the Council of Europe's efforts to elaborate principles for combating terrorism on the basis of human rights and due process.

42. **Mr. Gogos** (Greece), referring to question 2, said that the statement in paragraph 190 of the report was consistent with article 4 of the Covenant, which allowed States parties to adopt, in exceptional circumstances and under strict conditions, measures which in normal times would fall outside the ambit of permissible restrictions to the rights established in the Covenant. Article 48 of the Constitution subjected derogation measures and their legal consequences to a series of effective safeguards and explicitly defined the prerequisites for declaring a state of siege: all constitutional provisions prohibiting discrimination continued to apply and core individual rights could not be violated under any circumstances. Since the 1986 constitutional revision, a state of siege could no longer be declared in the event of a serious disturbance or obvious threat to public order and security owing to internal dangers. Moreover, Parliament must approve a declaration of a state of siege and decide which rights would be derogated from, and it played a central role in approving measures adopted by the executive branch under the state of siege. A state of siege could not exceed 15 days without another decision by Parliament and was, moreover, intended, to restore the functioning of constitutional institutions as soon as possible. In addition, since the Covenant prevailed over domestic law, any rule or decision contrary to the Constitution or to article 4 of the Covenant would be inapplicable.

43. Lastly, a state of siege had not been applied in Greece under the 1974 Constitution.

Prohibition of discrimination and right to an effective remedy (article 2 of the Covenant)

44. **Ms. Telalian** (Greece), referring to question 3, said that while the Constitution indeed reserved the enjoyment of certain civil rights to Greek citizens, it in no way prohibited the enjoyment of civil rights by foreigners, but instead referred the relevant matters to the legislators, who were bound by constitutional provisions that made no distinctions as to citizenship. Such provisions included article 2, on the protection of human dignity, and article 5, paragraph 2, which

guaranteed full protection of life, honour and liberty to all persons living in Greek territory, irrespective of nationality, race, language, religion or political belief.

45. The legislators were also required to fully consider and implement international human rights treaties ratified by Greece. Such treaties prevailed over national legislation and could be directly invoked in the courts. Consequently, the legislators could not differentiate on the basis of citizenship, as international human rights treaties did not make a distinction between nationals and foreigners. In practice, all foreigners were free to establish associations and exercise their freedom to peaceful assembly.

46. The principle of non-discrimination was further reflected in article 4 of the Civil Code. A comparative constitutional law survey had shown that many European constitutions reserved the same constitutional rights to their citizens as the Greek Constitution did to its citizens. However, the fact that for historical or other reasons some rights were reserved to nationals did not mean that non-nationals, in law and practice, were denied those rights. Lastly, she stressed that neither non-governmental organizations (NGOs), constitutional lawyers nor any other members of civil society had raised that issue during the 2001 constitutional revision.

Gender equality and prohibition of discrimination (articles 2, 3 and 26 of the Covenant)

47. **Ms. Grigoriou** (Greece), referring to question 4, said that a number of steps had been taken in connection with Greece's national priorities and core activities on gender equality for the period 2004-2008, which took account of the recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW), particularly those concerning domestic violence. Though domestic violence was already punishable under existing laws, specific legislation was clearly needed, and had been called for by 11 female members of Parliament in late 2004. A working committee had been established with a view to drafting a bill defining domestic violence as a specific offence. One of the Committee's concerns was to provide financial support for victims who were prevented from leaving their homes purely for economic reasons. Steps had also been taken to educate victims and raise public awareness. The General Secretariat for Gender Equality continued to work with NGOs and had conducted information campaigns, set up consultation centres, and organized conferences for specialists and members of key professions at the local and regional levels. In addition, the Research Centre on Equality Matters offered victims psychological and legal support and employment advice in five major towns. The Greek branch of the European women's network had also set up a free hotline covering the whole country. Lastly, the General Secretariat, in conjunction with the relevant municipality, had opened accommodation centres in Athens and was doing the same in Thessaloniki. Non-governmental organizations provided a similar service in three other major towns in cooperation with the General Secretariat.

Right to life, and prohibition of torture and cruel, inhuman or degrading treatment (articles 6 and 7 of the Covenant)

48. **Mr. Stavrou** (Greece), referring to question 5, said that a series of measures had been adopted to ensure full respect for the right to life, prevent and punish ill-treatment and make police officers more accountable. He referred to the 2003 law entitled "Bearing and use of firearms by the police forces, relevant training and other provisions". In 2004 Greece had adopted a code of police ethics containing specific rules and guidelines on respecting human rights and protecting vulnerable groups. Under the 1996 Disciplinary Law for police personnel, sworn administrative inquiries were ordered for complaints of misconduct by police officers, and measures were being taken to speed up inquiries.

49. Any delays that did occur did not point to cover-ups or impunity, but were due to strict observance of procedural rules. The police were subject to both judicial and administrative control. The Ombudsman was competent to monitor the legality of disciplinary proceedings and make recommendations where necessary. The Ministry of Public Order had reacted immediately to a recent Ombudsman's report on ill-treatment by the police and had set up a committee to review the current law. Claims that law enforcement officials enjoyed impunity were therefore unfounded and complaints of ill-treatment were isolated cases.

50. As for legal remedies, under the Code of Penal Procedure, victims of alleged excessive use of force by police could claim damages as a civil party in criminal proceedings and, under the Introductory Law to the Civil Code, the State must compensate any person

affected by unlawful acts or omissions committed by State agents.

51. Lastly, he reiterated Greece's determination to prevent the development of racism and xenophobia in the police force.

Prohibition of slavery or forced or compulsory labour (articles 3, 7, 8 and 24 of the Covenant)

52. **Ms. Despotopoulou** (Greece), referring to question 6, said that between January and mid-October 2004, the police had investigated 50 cases under anti-trafficking legislation. A total of 225 persons had been accused. Of the 156 victims, 34 had received assistance and protection from the State and NGOs and 17 had seen their expulsion suspended. She stressed that most of the victims were residing legally in the country and therefore did not wish to be placed under State protection. The Government had adopted a national action plan on trafficking and had set up an Inter-Ministerial Coordinating Committee to facilitate communication within the Government and between the Government, NGOs and international partners. The role of the Committee was to ensure that traffickers were prosecuted, refer victims to shelters and protect them from deportation, and raise public awareness. Measures taken to protect victims included the establishment of a Task Force for Combating Human Trafficking, special anti-trafficking squads and international anti-trafficking networks; additional training for judges and public prosecutors and the assignment of special prosecutors; a hotline and victim services, including free legal advice and repatriation programmes for foreign victims; legislation granting residence permits to victims; extra funding for NGOs; agreements with neighbouring countries, including a bilateral agreement with Albania; and a national database.

53. As traffickers adjusted to stricter legislation, recognizing and referring victims would continue to be a challenge. As noted recently by the Special Representative on Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE), shelters sat empty across Europe. There was, however, no indication that trafficking had decreased. Moreover, a growing number of those who fell victim to traffickers had entered the country legally.

54. **Mr. Stavrou** (Greece), referring to question 3, said that organized networks that exploited Albanian children in Greece had been dismantled and Albanian nationals had been arrested for bringing minors from poor families to work in Greece with their parents' consent. The minors had been forced to sell handkerchiefs at several locations in Athens and the perpetrators had pocketed the illegal profits. Following a house search, six young boys ranging from 10 to 13 years of age had been identified as victims and transferred to a youth hostel run by the non-governmental organization Doctors of the World. They had since been repatriated.

55. While 352 child beggars had been taken to police stations in 2000, that figure had dropped to 12 in 2004. Most of them had been sent out to beg by illegal-immigrant parents who were having difficulty obtaining work. The regularization of undocumented migrants had all but eliminated the problem.

56. **Mr. Kourakis** (Greece), referring to question 8, said that the prison population had nearly tripled in the past 25 years and now stood at slightly over 8,700. There were only 4,000 cells, however, owing to the closure of some prisons in old castles in Thessaloníki and on Égina island in the 1980s. An ambitious project to construct six new facilities would increase prison capacity by about 45 per cent by the end of 2007.

57. About 50 per cent of detainees in Greece were aliens. Arrangements were being finalized for the construction of a new prison in Albania, with financing from Greece, for Albanian citizens currently detained in Greece. Similar negotiations were under way with the Governments of Bulgaria, Romania and Serbia and Montenegro — prisoners would be transferred back to their countries of origin only with their consent and in accordance with the relevant international and European conventions. Among the modern prisons being constructed in the greater Athens area were the Thiva facility for the treatment of addicts, which offered programmes for the detoxification of prisoners and their reintegration into society, and the Avlona youth detention centre, featuring a school with a library, computers, a chemistry laboratory and a sports area.

58. Alternative measures such as community service were also easing the problem of overcrowding in the prisons. About 68 organizations were cooperating with judicial authorities to implement a community service

programme for persons convicted of minor offences that carried no more than a three-year prison sentence. Increasingly, prisoners were being separated not only by status, gender and age but also according to the offence committed, the prison term imposed and specific problems such as addiction. Separation was already being practised in 14 detention centres and was gradually being extended to another 10 centres.

59. **Mr. Stavrakakis** (Greece) said that greater attention was being paid to hygienic conditions in existing detention centres for aliens awaiting deportation, and a new detention facility was nearing completion in the sensitive Attica region. Added protection was provided by legislation that imposed a three-month limit on the detention of aliens awaiting deportation and allowed them to contest detention orders in the first-instance administrative court. In cases where the administrative expulsion of an alien became impossible, the person concerned could stay in the country temporarily, subject to certain restrictions. Moreover, the regularization of alien documentation was helping to reduce congestion in police holding facilities and improve detention conditions.

60. **Ms. Despotopoulou** (Greece), referring to question 10, said that reforms in psychiatric services had received a great deal of attention in the media and from civil society organizations and that they marked a watershed in the attitude of Greek society towards mental illness. Based on the recommendations of the World Health Organization and the international conventions ratified by Greece, the national programme known as "Psychargos" was in its second phase of implementation. Under the programme, poor psychiatric hospitals (in Petra Olybou, Khaniá and Corfu) would be shut down and replaced by community structures; three other psychiatric hospitals in Athens and Thessaloníki would be shut down by 2015. The programme also provided for better quality service and living conditions in mental health hospitals and additional training for senior and new staff, with emphasis on policy and legislation, inpatient care, continued care, rehabilitation, day and residential services, vocational programmes and modernizing attitudes about mental health care.

61. Procedures had been set up to protect patients against unnecessary or involuntary admissions, treatment or maltreatment, and the rights of persons with mental disorders were monitored by a number of special bodies, including the Special Committee for the Protection of the Rights of Persons with Mental Disorders. Established in 1963, the Mental Health Department of the Ministry of Health and Social Solidarity enforced instructions of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment and had submitted reports and recommendations on its three visits to psychiatric hospitals to the Ministry of Health and Social Solidarity. National policy on mental health services was formulated with input from mental health service users and providers, patients' families and the community. The Ministry of Health and Social Solidarity had instructed general hospitals to increase the number of beds available for acute mental health care, and, with the development of community mental health services, there were fewer negative experiences in mental hospitals. Maltreatment in a hospital was investigated by its Board of Directors and, if necessary, referred for further action to a Disciplinary Council. Where criminal liability was involved, cases were turned over to the district attorney for prosecution.

Imprisonment for failure to fulfil a contractual obligation (article 11 of the Covenant)

62. **Mr. Kourakis** (Greece), referring to question 11, said that 28 persons were currently detained for failure to pay off their contractual debts. In the past decade, that number had fluctuated between 7 and 19 and, at all times, had represented less than 1 per cent of the total number of prisoners. Nonetheless, in 1994, a well-known professor of constitutional law had found the imprisonment of debtors to be contrary to the fundamental principles of the Greek Constitution, a feeling which had grown and intensified with the ratification of the Covenant by Greece in 1997. In 2004, the Supreme Administrative Court had questioned the practice of personal detention as a means of resolving debt issues. The Supreme Civil Court had declared, in 1997, that detention of merchants for commercial debt was permissible only if they wilfully avoided their contractual obligations. That position was believed to be fully compatible with article 11 of the Covenant.

Right to a fair trial (article 14 of the Covenant)

63. **Mr. Kourakis** (Greece), referring to question 12, said that the final text of Law No. 3068/2002 actually incorporated a number of the amendments proposed by the Greek National Commission for Human Rights, in

particular with regard to short deadlines during proceedings, in accordance with article 3, paragraph 1, and the imposition of additional fines against the tax department for unreasonable delays in implementing the procedures set forth in article 3, paragraph 3. Other suggestions, however, had not been adopted in the belief that certain problems would be more effectively resolved by jurisprudence over time. Referring to question 13, he said that the European Commission against Racism and Intolerance (ECRI) had characterized the new Greek law on legal aid as a major advance. The new provisions not only provided significant legal aid to low-income persons, regardless of their country's principle of reciprocity, but also focused particular attention on providing assistance to victims of torture and other offences against human dignity. Legal aid was guaranteed to migrants, asylum-seekers and other non-European Union nationals summoned to appear before an investigating judge or the penal court of first or second instance, or who were in need of psychiatric services or who sought a postponement of the penal process for an offence in flagrante. Defenders from non-governmental organizations, such as the Greek Council for Refugees, provided services free of charge. NGO representatives also participated in the work of the Appeals Board which reviewed asylum applications.

64. **The Chairperson** invited Committee members to pose additional questions.

65. **Ms. Wedgwood** wondered whether the State party's legislative response to terrorism was so broad that, in the name of establishing or reinstating democracy, it exceeded the definition of terrorism established by the High-Level Panel on Threats, Challenges and Change (deliberate taking of an innocent civilian life). Referring the State party to the Committee's general comment No. 29, she asked whether terrorist acts, as well as coups d'état, were considered exceptions to Greek legislation prohibiting the imposition of a state of emergency to quell domestic disturbances.

66. More explicit legislation about the primacy of the Covenant in the Greek legal system might help to guarantee that the Covenant was observed by judges at all levels, even those in the most remote rural areas. She welcomed the changes in Greek law recognizing the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and asked whether they were strictly observed (i.e., whether recourse to force was reserved exclusively for serious threats to human life). Did Greece have a civilian review board or similar entity to counterbalance police officers' refusal to incriminate one another? Referring to the Helsinki Watch report entitled "Cleaning Operations: Excluding Roma in Greece", she enquired about the seeming impotence of the Greek judicial system to discipline police officers for abuses of members of the Roma community. (Only one officer had been convicted — for shooting an unarmed man lying face down — and his sentence had been suspended). Had there been any attempt to assign Roma monitors to police departments as a means of controlling the excessive use of force?

67. She commended the State party for allowing members of the International Committee of the Red Cross to visit prisons; opening up police detention centres as well would be another useful step. She enquired about interim measures to ease prison overcrowding pending the construction of new facilities. Were steps being taken to mitigate the hardship of detainees awaiting deportation in antiquated facilities?

68. Lastly, she questioned the appropriateness of imprisoning debtors in an age when technology made it possible to identify and attach a person's assets. As for the delegation's assertion that, in practice, judges respected the provisions of article 11 of the Covenant, she stressed that Greek law must be sufficiently transparent to ensure that those principles were observed by all magistrates without fail, and to prevent creditors from abusing the naivety of debtors by threatening them with imprisonment.

The meeting rose at 6.05 p.m.